



Winston Hickox
Secretary for
Environmental
Protection



Gray Davis
Governor

MINUTES OF
REGULAR MEETING
Friday, March 22, 2002
REGIONAL WATER QUALITY CONTROL BOARD

Friday, March 22, 2002, 8:30 a.m.

Chairman Gary Shallcross called the meeting of the Central Coast Regional Water Quality Control Board to order at 8:32 a.m. on March 22, 2002, in the Salinas City Council Chamber Rotunda, 200 Lincoln Avenue, Salinas, California.

1. Roll Call..... Executive Office Technician Carol Hewitt

Board Members Present:

Chairman Gary Shallcross
Vice Chair Leslie Bowker
Vice Chair Bruce Daniels
John Hayashi
Russell Jeffries
Daniel Press
Marco Rizzo
Jeffrey Young

Absent: Donald Villeneuve

2. Introductions..... Executive Officer Roger Briggs

Executive Officer Briggs introduced staff and asked all interested parties to complete testimony cards and turn them in. Item 10/Kelly Gearhart is off the agenda today. The discharger has waived the hearing and has paid the enforcement penalty. Supplemental Sheets are available for Item 12/RMC Pacific Materials, Inc., Item 15/Arcadis, Geraghty, & Miller, Inc., Item 16/Carmel

Area Wastewater District, and Item 20/Lake San Antonio South Shore Landfill. Question and Answer documents prepared in response to Board Member questions are also available upon request. Items 14, 17 and 22 were addressed in the Question and Answer document.

3. Approval of Minutes for February 1, 2002 Meeting Board Motion

MOTION: Russell Jeffries moved to approve the minutes for the February 1, 2002 meeting. **SECONDED** by Bruce Daniels. **CARRIED – Unanimously (8-0)**

4. State Board Member Report – Strategic Plan Rollout [Art Baggett 916/341-5611]..... Status Report

Chair Shallcross introduced State Board Chair, Art Baggett and State Board Executive Director, Celeste

Cantu. Celeste thanked the Board and said she was happy to be able to attend the Region 3 Board Meeting.

She said State Board representatives need to visit the Regional Board offices in order to better understand how to provide support to the regions. Art Baggett provided State Board updates and gave a presentation on the Strategic Plan Rollout. Board Member Bruce Daniels said he was glad to see groundwater with a specific goal in the plan, but asked about encouraging recharge of groundwater for additional storage and use, while avoiding some of the problems with recharge. Chair Baggett said conjunctive use is common throughout the state and definitely is a good way to go. The State Board is active in water transfers, which frequently include conjunctive use. Mr. Daniels

explained that our region might be unique in its reliance on groundwater. Therefore, MTBE seems to be a more serious problem in our region. Without other regions' support, additional funding for MTBE cleanup oversight has been difficult. Chair Baggett said MTBE will be discontinued next year, and the most significant leaks from faulty tanks should have been stopped. Cal/EPA is now pursuing better leak prevention from tank appurtenances, such as vapor recovery systems, but those should be very minor sources. Mr. Daniels said that may be true, but we will need to deal with the residual plumes for years throughout the region.

24. Salinas Valley Action Plan Update [Amanda Bern 805/549-6197] Status Report

Amanda Bern, staff Environmental Scientist, updated the Board on the Salinas River Watershed Management Action Plan activities. Ms. Bern highlighted three specific agriculture related activities. They were the nitrate education efforts by the Monterey County Water Resources Agency, the farm water quality groups and monitoring as part of the Monterey Bay National Marine Sanctuary's agriculture plan, and wetland restoration activities performed by Creative Environmental Solution. Several Board Members commented on the importance of monitoring efforts and the cost of funding those efforts. Other Board members asked about constituents sampled and the establishment of baseline data.

There were several comments from the public. Kathy Thomasberg, Monterey County Water Resources Agency, thanked the Board for its support of the nitrate program. Dirk Giannini, local farmer, indicated the importance of cooperative efforts in working with the agriculture community. Chris Bunn, Farm Bureau president, thanked the Board for its support of local farm groups and noted the importance of cooperative efforts. Leo Havener, City of Salinas, stated his support of any efforts that would curtail nitrate migration towards the City's water supply wells. The Board acknowledged the value and success of the cooperative efforts to improve agriculture management practices, and indicated continued support of Action Plan activities.

5. Public Forum..... Board Direction

- Kaitilin Gaffney, The Ocean Conservancy, raised concerns about cruise ships coming into the Central Coast area. They are concerned about sewage discharges, gray water discharges, and oily bilge water discharges. These discharges do not require permits and very little enforcement. Ms. Gaffney asked the Board to work with other agencies to ensure that our area does not suffer adverse impacts from the cruise ships that are due to visit this year. She also encouraged the Board to work with the Environmental Task Force that was established to look at cruise ship issues within the State of California.
- Matthew Rutishauser, Friends of the Sea Otter, raised concerns about the cruise ships that are due

to arrive on the Central Coast. The group is concerned about harmful discharges that may impact the sea otters. The group encourages monitoring and would like the Board to work with the Environmental Task Force.

- Lisa Hoivik, resident of Monterey, is deeply concerned about the cruise ships coming to Monterey. She believes the cruise ship industry will ignore regulations. She encouraged the Board to work with the Environmental Task Force to enact stringent regulations with strong monitoring and enforcement provisions.
- Art Haseltine, Friends of the Sea Otter, raised concerns about the arrival of the cruise ships. He would like to see gray water monitoring programs

developed. He does not believe that the Board has jurisdiction over cruise ships at this time.

- Barbara Rainer, Sierra Club, raised concerns about discharges of gray water and bilge water into the Monterey Bay Sanctuary. She asked the Board to take up this issue and direct protections and enforcement be in place before May 7, 2002.

Executive Officer Briggs noted that Counsel Jennifer Soloway and the Regional Board technical staff are working on the cruise ship issue at this time. The regulatory framework for cruise ships is quite complex. Technical staff has responded to two letters received on this issue, to provide an update on the results of our investigation thus far. The Regional Board staff is in contact with the Environmental Task Force. Regional

Board staff will follow-up and prepare a report to the Board on the issue. Board Members requested that the issue be brought back to the May meeting.

- Buddy Fallon, local rancher, is concerned about the De Laveaga Golf Course discharging water onto his property. The golf course plans to move in excess of 50,000 yards of earth. Mr. Fallon asked about pesticides and fumigants, but has not received any paperwork on the issue from the golf course as yet. Mr. Briggs said it sounds like the site should be complying with the general stormwater permit and Regional Board staff will follow-up on the issue.

6. Low Threat Cases, General Orders, Waivers and Closures..... Information/Discussion

Executive Officer Briggs noted two low threat cases: Cool Pacific (to be enrolled in the NPDES General Permit) and Firestone Business Park (to be enrolled in the General Waste Discharge Requirements). The Board did not object to his proposal to proceed as recommended.

7. Uncontested Items Calendar..... Board Motion

Item Nos. 22/Los Robles Mobile Home Estates and 23/Ventana Inn were removed from the consent calendar. The Board asked about Item 17/Santa Clara Valley Water District. Overhanging tree issues were a concern with regard to protection of temperatures for

wildlife. Staff Engineer, Kimberly Gonzalez noted that the Discharger strictly follows a Best Management Practices policy and removes as little vegetation as possible to minimize any impacts to wildlife.

MOTION: Bruce Daniels moved to approve the consent calendar for Items 13, 15, 17, 18, 19, 20, and 21. SECONDED by Les Bowker. CARRIED – Unanimously (8-0)

- Rosemary Kamei, Chair of the Santa Clara Valley Water District Board, introduced her colleagues, Sig Sanchez and Larry Wilson. She thanked the

Board and staff for their collaboration and work on their project. She invited the Board to attend a Land Use and Water Summit on May 23, 2002.

(Chair Shallcross announced a break at 10:20 a.m. The meeting reconvened at 10:30 a.m.)

8. MTBE Sites [Jay Cano 805/549-3699].....Status Reports

Mr. Jay Cano, Senior Engineer, provided an explanation of the surface water sampling in Santa Rosa Creek that is downgradient of the Chevron, Cambria cleanup site. Using several maps and a cross section, he concluded the surface water sampling, as

presently conducted, is reasonable to attempt to detect any gasoline components should those components reach the creek.

- Ms. Helen May, Cambria Community Services District, commented regarding a letter from the Regional Board which discussed cleanup objectives. Ms. May was interested in preserving the District's water supply wells. Mr. Briggs said

he distributed the letter to Regional Board Members when he wrote it last year, but we have some new Board Members and he would redistribute.

9. Enforcement Report [Gerhardt Hubner 805/542-4647 and Brad Hagemann 805/549-3697]..... Status Report

This was a written report only.

11. LJW Enterprises, Inc., Santa Clara County Order No. 2002-0048

Chair Shallcross read the opening statement. Staff Engineer, Kimberly Gonzalez gave a presentation on the enforcement item. The Discharger was not present

at the meeting and there were no testimony cards submitted.

MOTION: Bruce Daniels moved to adopt ACL Order No. 2002-0048 in the amount of \$1,000 against LJW Enterprises, Inc. SECONDED by John Hayashi. CARRIED – Unanimously (8-0)

Mr. Daniels asked about the possibility of raising the penalty amount for non-responsive dischargers. Ms. Soloway explained that could be done, but with much greater staff time, due to such an item relying on a different water code section, requiring a more elaborate agenda item.

12. RMC Pacific Materials, Inc., Santa Cruz County [Kimberly Gonzalez 805/549-3150]..... Board Approval

Staff Engineer, Kimberly Gonzalez, gave a presentation on the item. The Regional Board approved the final settlement agreement for RMC Pacific Materials, Inc. May 26, 2001 spill of 360,000 gallons of sediment-laden process water. Settlement was in the

amount of \$100,000 plus Department of Fish and Game and Regional Board staff costs. The settlement funds are available for Supplemental Environmental Projects in the San Lorenzo River Watershed, Santa Cruz County.

MOTION: Les Bowker moved to approve the settlement agreement with RMC Pacific Materials, Inc. in the amount of \$100,000 plus the Department of Fish and Game and Regional Board staff costs. SECONDED by Bruce Daniels. CARRIED – Unanimously (8-0)

14. Duke Energy Moss Landing Power Plant Mitigation Plan..... Board Approval and Direction
[Michael Thomas 805/542-4623]

Staff Engineer Michael Thomas presented a brief overview of the NPDES permitting process for the power plant modernization project. Mr. Thomas mentioned the history of the power plant, retirement of five power generation units in 1995, transfer of ownership from PG&E to Duke Energy in 1998, and the two new power generation units being built by Duke Energy. Mr. Thomas mentioned the NPDES

permit process, which considered alternatives to the once-through cooling water system, such as closed-cycle cooling, and other options such as habitat enhancement. The NPDES permit for this facility requires Duke Energy to provide \$7M in funding for a habitat enhancement program. The Elkhorn Slough Foundation manages the habitat enhancement program. The purpose of the habitat enhancement program is to

increase overall productivity in the Elkhorn Slough. Pursuant to the NPDES permit, an Advisory Team was established to help develop criteria for selecting habitat acquisition/restoration projects. The criteria are described in the Foundation's *Elkhorn Slough Environmental Enhancement and Mitigation Program Plan*, (Plan) dated November 2001.

Mark Silberstein, Director of the Elkhorn Slough Foundation, provided an overview of the Elkhorn Slough, including habitat types and problems facing the Slough, the Advisory Team members and process, and the Plan developed by the Advisory Team. The major problems affecting the Slough are upland erosion, agricultural encroachment, runoff of nutrients and pesticides, and loss of habitat. The Plan addresses these issues by prioritizing projects that will preserve and restore wetland habitat and decrease pollutant inputs to the Slough. Mr. Silberstein illustrated the areas within the one hundred-year flood plain that will be targeted for acquisition and restoration.

Mr. Thomas emphasized the benefits of the Plan for the overall health of the Elkhorn Slough and recommended the Board adopt a motion as indicated in the staff report with one revision. The recommended revision was that the Foundation submit status report to the Board every four months instead of every six months.

The Board expressed appreciation for the work being done by the Foundation and for the Plan, but also asked for more monitoring to better illustrate the benefits of habitat preservation and restoration in achieving the goals of the NPDES permit. The Board asked if larval productivity could be monitored to more directly show

the effects of habitat enhancement on the impact caused by the power plant. Mr. Silberstein responded that water quality monitoring (turbidity, dissolved oxygen, nutrients, etc.) is being done and would continue to be done along with habitat mapping and sedimentation reduction monitoring. Mr. Thomas said that several monitoring programs are underway in the Slough including research projects on larval abundance, and that this data could be assimilated and included in the habitat enhancement work status reports to the Board. Mr. Thomas said they would meet with the Regional Board's independent scientists to discuss the available information and how to present it to the Board. The Board asked how the monitoring reports could be made an official part of the status reports to the Board. Mr. Thomas responded that the Memorandum of Agreement between the Regional Board, the Foundation, and the Energy Commission could include language requiring the monitoring reports. Regional Board counsel Jennifer Soloway noted the difference between requiring new studies and reporting existing data. Mr. Thomas emphasized that additional or new monitoring should not be required, but that data from existing efforts would be synthesized and included, and that the Board could determine the adequacy of these reports as the project moves forward. Ms. Soloway suggested a revision to the recommendation, part 4: "The Memorandum of Agreement will call for coordination and reporting with existing monitoring and research projects regarding biological productivity in the Elkhorn Slough watershed."

Natasha Nelson, CA Energy Commission staff, recommended that the Regional Board adopt the Plan.

MOTION: Bruce Daniels moved to approve the Mitigation Plan with the following recommendations:

- 1) **Approve the Elkhorn Slough Environmental Enhancement and Mitigation Program Plan with the amendment noted in the March 22, 2002 Staff Report.**
- 2) **Request the Elkhorn Slough Foundation to implement its Plan for conservation and enhancement of high priority habitats expeditiously.**
- 3) **Request Elkhorn Slough Foundation to submit status reports every four months that detail the progress of implementing the Plan. The first report should be submitted by July 15, 2002. This report submittal requirement will be incorporated into the Memorandum of Agreement between the Regional Board and the Foundation.**
- 4) **Direct the Executive Officer to enter into a Memorandum of Agreement with the Foundation in accordance with the requirements of Regional Board Order No. 00-041.**
- 5) **The Memorandum of Agreement will call for coordination and reporting with existing monitoring and research projects regarding biological productivity in the Elkhorn Slough watershed.**

SECONDED by Daniel Press. CARRIED – Unanimously – (8-0)

(Chair Shallcross announced a lunch break at 12:15 p.m. The meeting reconvened at 1:40 p.m.)

16. Carmel Area Wastewater District, Monterey County [Matt Thompson 805/549-3159] Order No. 2002-0026

Chair Shallcross read the opening statement. Matt Thompson, staff Water Resource Control Engineer, presented an overview of Order No. R3-2002-026 for the reissuance of Carmel Area Wastewater District's NPDES permit. Mr. Thompson provided justification for retaining all effluent limitations in the permit, reducing monitoring frequency for some constituents, and requiring a study of the discharge's effects on the Carmel Bay Area of Special Biological Significance. Mr. Thompson recommended adoption of the proposed Order with the amendments contained in the March 20, 2002 supplemental sheet.

Board Member Daniels asked if the Discharger has adequate backup power generation capability to prevent future disinfection failures. Mr. Thompson stated that the Discharger does have backup power,

and has corrected the problem that caused the disinfection failure in March 2001.

Joyce Stevens, President of Carmel Area Wastewater District, stated that the Discharger is proud of the Carmel Bay Area of Special Biological Significance, and is striving to improve their wastewater recycling system to minimize discharge to Carmel Bay. Ms. Stevens supported the staff recommendation.

Hampton Stewart, President of Pebble Beach Community Services District, supported the staff recommendation.

Regional Board member Russ Jeffries stated that the Discharger has one of the best recycling systems in the region. Mr. Jeffries supported the staff recommendation.

MOTION: Russ Jeffries moved to adopt proposed Order No. 2002-0026 with the amendments contained in the March 20, 2002 supplemental sheet. SECONDED by Les Bowker. CARRIED – Unanimously (8-0)

22. Los Robles Mobile Home Estates, San Luis Obispo County [Tom Kukol 805/549-3689]..... Order No. 2002-0019

Tom Kukol, staff engineer, described the facility, suspected flow exceedances, and the proposed waste discharge requirements. Mr. Kukol indicated his belief that the septic system serving the mobile home park may be undersized. He explained that the proposed discharge order requires flow monitoring, evaluation of system capacity, recommendations of any needed improvements, and development of an acceptable groundwater monitoring system.

Robert Prophet, a representative of the Los Robles Mobile Home Estates Homeowners' Association, shared tenants' concerns regarding spills, open drains and lack of reporting to the off-site manager. He presented photographs of pipes, and said that sewage would sometimes spill from the pipes and flow across residents' properties, and then enter the arroyo. He said the pipes were recently capped and he was concerned that the sewage would now back up into resident's units.

Alice White, President of the Los Robles Mobile Home Estates Homeowners' Association, expressed concern about the overflow pipes described by Robert Prophet. She said the spills have occurred on many occasions over the years. She also expressed about the supply well location, only a few hundred feet from the leachfield and the seepage pits.

Scott Freeman, on-site manager of Los Robles Home Park, said space 13 only had one overflow since 1998, the pipe was installed before he started working at the mobile home park, and is now capped. He said the sewer pipeline at space 23 has a dip, but is not blocked. It had two backups in the last year, but is now capped. He has capped off the three overflow pipes that he knew about within the last month and half. Additionally, Mr. Freeman said that a temporary flow meter has been installed within the last week and flows are about 22,000 gallons per day.

Greg Evans, General Manager, indicated that the system's monitoring shows compliance and that he is investigating flows. He prefers the onsite sewage system and is concerned that connecting to the nearby publicly owned sewer system would be too costly. Mr. Briggs asked about the overflow pipes to the creek and when they were discovered. Board Members asked about having the order come back to the Board for review in a year. Mr. Briggs said the problem is not with the order; it's with the park's compliance with the order. He said it would be more on point to consider a cleanup or abatement order.

Board members asked several questions and discussed concerns about system capacity, sewage spills to the creek, and the need for accurate flow measurement. The Board discussed directing staff to: 1) consider enforcement options for past spills and to halt future spills, and 2) present a status report to the Board after staff receives technical reports required by the proposed discharge order. Executive Officer, Roger Briggs, acknowledged that direction and reminded the discharger that sewage discharge and bypass to the creek is not acceptable and residents should call the Regional Board staff.

MOTION: John Hayashi moved to approve Order No. 2002-0019 with the following changes:

1. **Change Provision D.7, written review date to September 22, 2006;**
2. **Add footnote to the Monitoring Program specifying that the flow meter should be approved by the Executive Officer; and,**
3. **Change the Monitoring Program to require monthly septic tank monitoring.**

SECONDED by Les Bowker. CARRIED – Unanimously (8-0)

(Chair Shallcross announced a break at 2:55 p.m. The meeting reconvened at 3:00 p.m.)

23. Ventana Inn, Monterey County [Matt Thompson 805/549-3159] Order No. 2002-0032

Staff Water Resource Control Engineer, Matt Thompson, clarified that the capacity of the Ventana Inn's leachfields are estimated and surveillance indicates the capacity of the leachfield serving the Inn Complex is currently adequate. Board Member Young asked what improvements would be made to systems suspected of being overloaded. Mr. Thompson stated that such systems would have water conservation measures implemented, effluent filter screens installed

in septic tanks, inspection risers installed in leachfields, and regular monitoring of water levels in leachfields. Also required in the Order, is a requirement for Ventana Inn to submit a report that evaluates the feasibility of a centralized wastewater treatment/recycling system.

MOTION: Russell Jeffries moved to adopt Order No. 2002-0032. SECONDED by Daniel Press. CARRIED – Unanimously (8-0)

25. Hollister Treatment Plants and San Benito County Groundwater Management Plan Update Status Report [Matt Fabry 805/549-3450]

Regional Board staff provided a brief background and current status information for the City of Hollister's wastewater treatment facilities. Regional Board staff

expressed concerns that the City was behind schedule for upgrade of its domestic wastewater treatment plant and that the 2005 date for final compliance was fast

approaching. Regional Board Members concurred and reiterated their concerns that the City would not be able to meet the 2005 deadline. Following that was a brief status report on efforts to update the Groundwater Management Plan for San Benito County, which was accompanied by an oral presentation by agency staff from the Water Resources Association of San Benito County.

Board Member Jeffries and Chair Shallcross both expressed serious frustration with the City falling behind schedule and seemingly abandoning an earlier statement that the City was going to build a new plant rather than modifying the existing one.

26. Budget Concepts and Priorities 2002-2004 [Roger Briggs 805/549-3140] Board Direction

(Due to time constraints, this item will be taken up at the April 19, 2002 Board Meeting)

28. Reports by Regional Board Members..... Status Report

Board Member Daniels noted the award program that the Los Angeles Region has implemented. He suggested that perhaps our Region look into

developing a recognition program to recognize some of the groups and/or individuals that are doing such good work.

29. Executive Officer's Report [Roger Briggs 805/549-3140] Information/Discussion

Executive Officer Briggs introduced staff Engineer, Bill Arkfeld. Mr. Arkfeld brought the Board up-to-date on the status of the Loma Alta Farm site. Staff will be looking at the soil as a potential source of nitrate in the well. The Board asked about well sampling. The Board is concerned that the neighboring horse farm has too many animals for the size of the parcel. During wet periods manure runs into a creek, empties into a Twin Lakes, and eventually runs into the Monterey Bay. Mr. Arkfeld noted that the owner's of the horse farm are willing to work with Board staff on the issue. Regional Board staff will continue to work with both property owners with soil monitoring and site visits. Mr. Buddy Fallon stated that he will not wait another year to resolve the problem. He also stated that he has samples and photos, but will not provide the samples until another set of samples is provided by the Regional Board for comparison purposes. Mr. Fallon noted that

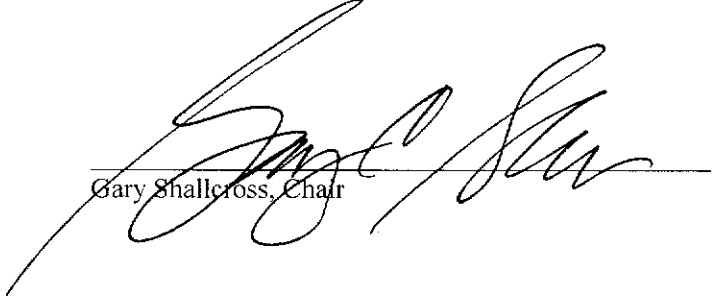
the horse farm has 40-50 horses on a 10-acre parcel. He also noted that Santa Cruz has a ordinance that limits the amount of horses to two per acre of land. Mr. Fallon noted that his main objective is non-contamination of his property. Mr. Briggs noted that Regional Board staff will continue to follow-up on the issue.

(Board Members Jeffries and Press left the meeting at 4:45 p.m.)

Board Member Daniels asked about the connection of Highlands Inn to the Highlands Sanitary District and asked if other homes would be included in the connection. Staff Engineer, Matt Thompson, noted that the line was too small (4 inches) to accommodate other homes in the area.

Chairman Shallcross adjourned the public meeting at 4:50 p.m.

The meeting was audio recorded and the minutes were reviewed by management, and approved by the Board at its April 19, 2002 meeting in Santa Barbara, California.



Gary Shallcross, Chair

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